

AMENDED IN ASSEMBLY JUNE 8, 2004

AMENDED IN SENATE APRIL 16, 2004

SENATE BILL

No. 1604

Introduced by Senator Ashburn

February 20, 2004

An act to amend Sections 6047.60, 6047.63, 6047.64, 6047.68, 6047.69, 6047.70, 6047.74, 6047.76, 6047.77, 6047.78, 6047.79, 6047.80, 6047.82, 6047.87, 6047.88, 6047.89, 6047.94, 6047.96, 6047.97, 6047.101, 6047.105, 6047.109, 6047.112, 6047.113, 6047.118, 6047.124 of, and to repeal Section 6047.93 of, the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1604, as amended, Ashburn. Pest control: Pierce's disease.

Existing law, the Table Grape Pest and Disease Control District Law, establishes a procedure for the organization, operation, and dissolution of districts to, among other things, respond to, manage, and control the effects of the spread of the glassy-winged sharpshooter and Pierce's disease, and other pests that attack grapevines.

Existing law requires that proceedings for the formation of a district within a county shall be commenced by a petition that is signed by specified percentages of table grape growers. Existing law authorizes the district to cause assessments to be levied on table grapes being grown in the district to pay obligations of the district incurred to accomplish the purposes of the district.

This bill would ~~change the term~~ *revise these provisions so that they apply to table grape growers to table grape acreage as well as the owners*

of table grape acreage. This bill would clarify that these abatement districts apply to infestations of other ~~pests~~ *designated pests and diseases* in addition to the glassy-winged sharpshooter and Pierce’s disease. This bill would instead authorize the district to recommend an assessment to the board of supervisors to be levied on the owners of acreage of table grapes being grown in the district. This bill would make other conforming changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6047.60 of the Food and Agricultural
2 Code is amended to read:

3 6047.60. The Legislature hereby finds and declares the
4 following:

5 (a) California is the leading producer of table grapes in the
6 United States, accounting for 97 percent of table grapes grown in
7 this country.

8 (b) Table grapes are grown in 15 counties located throughout
9 the state.

10 (c) California grows more than 170,000 acres of table grapes
11 producing over 700,000 tons of table grapes per year, valued at
12 more than eight hundred sixty million dollars (\$860,000,000) with
13 a direct and indirect impact on the state’s economy that totals more
14 than four billion dollars (\$4,000,000,000).

15 (d) The plant killing bacterium, *Xylella fastidiosa*, and the
16 resulting plant disease known as Pierce’s disease, and its vectors,
17 present a clear and present danger to California’s nearly three
18 billion dollar (\$3,000,000,000) grape industry, as well as to many
19 other commodities and plant life.

20 (e) Pierce’s disease and its vector the glassy-winged
21 sharpshooter have spread into the southern San Joaquin Valley,
22 which, if left unabated, places grapes and other commodities
23 throughout California in immediate peril.

24 (f) In addition to the research funds and program provisions set
25 forth in Article 8 (commencing with Section 6045) of Chapter 9
26 of Part 1 of Division 4, dealing with wine grapes, the table grape



1 industry is at substantial risk for Pierce’s disease and other pests
2 and recognizes the need for additional specific control programs.

3 (g) Additional programs may include field treatments similar
4 to, or the expansion of, the successful United States Department
5 of Agriculture and California Department of Food and Agriculture
6 General Beale area pilot program in Kern County. The expansion
7 of those programs may require industry assessments from the table
8 grape industry through the creation of a pest abatement district.

9 (h) The state has an interest in protecting its agricultural
10 products from further destruction by the glassy-winged
11 sharpshooter and Pierce’s disease, and other ~~pests~~ *designated pests*
12 *and diseases*.

13 (i) As a known vector for Pierce’s disease, the glassy-winged
14 sharpshooter has been determined to carry and spread Pierce’s
15 disease to many forms of California agriculture, usually with
16 complete destruction to the infected crop. This destructive effect
17 of the disease has been determined by experts in the viticulture
18 field to be especially true with respect to infected table grapes. To
19 avoid a potentially catastrophic loss to one of California’s most
20 important industries, the Legislature declares that this article is in
21 the interest of the public health and welfare.

22 (j) This article shall not establish a precedent for, or supercede,
23 reduce, or in any way alter, government funding from any source
24 related to Pierce’s disease and other ~~pests~~ *designated pests and*
25 *diseases* in this state.

26 (k) The Legislature further declares that it is in the interest of
27 the public health and welfare that the districts authorized to be
28 created by this article not duplicate existing services already being
29 provided by the University of California, state, counties, or the
30 county agricultural commissioners to eradicate the glassy-winged
31 sharpshooter and Pierce’s disease, and other ~~pests~~ *designated pests*
32 *and diseases*.

33 SEC. 2. Section 6047.63 of the Food and Agricultural Code
34 is amended to read:

35 6047.63. Unless the context otherwise requires, the
36 definitions in this section govern the construction of this article.

37 (a) “Board” or “board of directors” means the board of
38 directors of a district.

39 (b) “District” means a table grape pest abatement district
40 organized pursuant to this article.



1 (c) "Owner" includes joint owner, coowner, guardian,
2 executor, administrator, or any other person that holds property in
3 a trust capacity under court appointment.

4 (d) "Pierce's disease" is the disease of the grapevines caused
5 by the bacterium ~~Xyella~~ *Xylella fastidiosa*.

6 ~~(e) "Table grapes" means grapes produced that are intended to
7 be sold in their fresh form.~~

8 (e) "Table grapes" means all table grape varieties specified in
9 the report issued pursuant to Section 55601.5. "Table grapes" also
10 means all raisin varieties specified in the report issued pursuant
11 to Section 55601.5 that are intended to be marketed in their fresh
12 form.

13 (f) "Table grape acreage" means any parcel of real property
14 with one or more acres of table grape plants.

15 (g) "Grower" or "producer" means any person who is
16 engaged within this state in the business of producing, or causing
17 to be produced, table grapes for market.

18 (h) "Other designated pests and diseases" means pests and
19 diseases designated by the district as serious pests and diseases
20 warranting district action.

21 SEC. 3. Section 6047.64 of the Food and Agricultural Code
22 is amended to read:

23 6047.64. (a) Proceedings for the formation of a district
24 within any county shall be commenced by a petition ~~that is either
25 of the following:~~

26 ~~(a) Signed by 50 percent or more of the table grape acreage
27 owners who own 65 percent or more of the affected acreage.~~

28 ~~(b) Signed by 65 percent or more of the table grape acreage
29 owners who own 50 percent or more of the affected acreage.~~

30 ~~The signed by eligible owners of table grape acreage.~~

31 (b) The petition shall be addressed to, and filed with, the board
32 of supervisors of the county.

33 SEC. 4. Section 6047.68 of the Food and Agricultural Code
34 is amended to read:

35 6047.68. (a) The petition shall be accompanied by a fee in an
36 amount established by the board of supervisors as is necessary to
37 reimburse the county for all costs incurred by it in connection with
38 the proposed organization of the district and subsequent election.
39 The board of supervisors may charge the district for actual



1 expenses incurred by the county in connection with the
2 proceedings for the formation of the district.

3 (b) Upon the establishment of the district, the district shall
4 reimburse those who provided the funds specified in subdivision
5 (a) from assessments collected pursuant to this article.

6 SEC. 5. Section 6047.69 of the Food and Agricultural Code
7 is amended to read:

8 6047.69. (a) Upon the presentation and filing of a petition,
9 the board of supervisors shall refer the petition to the county
10 agricultural commissioner for the preparation of a register of
11 owners of table grape acreage within the proposed district, and for
12 an investigation and report.

13 (b) The county agricultural commissioner shall create a register
14 of all table grape acreage owners within the proposed district and
15 specifically describe the net acreage of land devoted to the
16 growing of table grapes by each owner. The commissioner shall
17 file with the register of table grape acreage owners a report to the
18 board of supervisors describing the present condition of the
19 glassy-winged sharpshooter and Pierce's disease infestations, or
20 infestation of other ~~pests~~ *designated pests and diseases*, and any
21 proposed control program that may warrant the board of
22 supervisors proceeding with the organization of the district and
23 recommendation as to the advisability of creating the district.

24 SEC. 6. Section 6047.70 of the Food and Agricultural Code
25 is amended to read:

26 6047.70. (a) The board of supervisors shall fix a time and
27 place for a hearing of the petition.

28 (b) The hearing shall not be less than 20 days, or more than 40
29 days, after the filing of the petition with the board of supervisors.

30 (c) The board of supervisors shall order the ~~county clerk~~ *clerk*
31 *of the board of supervisors* to give notice of the hearing that will
32 do the following:

33 (1) State the time and place for the hearing that was fixed by the
34 board of supervisors.

35 (2) State that at the hearing protests will be considered by the
36 board of supervisors.

37 (3) State that requests in writing for the exclusion of acreage
38 from, or the inclusion of acreage in, the proposed district, will be
39 heard and considered by the board of supervisors.



1 (4) State that the petition is available for inspection at the office
2 of the clerk of the board of supervisors.

3 (5) Designate the boundaries of the proposed district in
4 substantially the same way that they are described in the petition.

5 SEC. 7. Section 6047.74 of the Food and Agricultural Code
6 is amended to read:

7 6047.74. At the hearing, any owner of table grape acreage in
8 the proposed district may present to the board of supervisors a
9 request, in writing, for the exclusion of that acreage or any part of
10 that acreage from the proposed district upon a showing that the
11 acreage or part of that acreage will not be benefited by the activities
12 of the proposed district. However, if the excluded acreage is
13 planted with table grapes, the owner of the acreage shall inform the
14 district, in writing, within 30 days of planting. Factors that the
15 board of supervisors may consider in its determination for
16 exclusion, as set forth in an affidavit from the owner of the acreage,
17 shall include the following:

18 (a) That the acreage is not planted to table grapes and will not
19 be so planted in the foreseeable future, as evidenced by an affidavit
20 from the owner of the acreage so stating.

21 ~~(b) That the acreage has already been surveyed and is free from
22 evidence of Pierce’s disease and other pests or diseases.~~

23 ~~(c) That there is no presence of the glassy-winged
24 sharpshooter, its host plants, table grape pests or diseases, or other
25 pests.~~

26 ~~(d)~~

27 (b) That the table grape plants have been removed from the
28 acreage and that no living table grape plants remain on the acreage.

29 ~~(e)~~

30 (c) That exclusion of the acreage, or any part of the acreage,
31 from the district is unlikely to present a risk of glassy-winged
32 sharpshooter infestation or other pest infestation because of the
33 acreage’s distance or isolation from infested geographical regions.

34 SEC. 8. Section 6047.76 of the Food and Agricultural Code
35 is amended to read:

36 6047.76. (a) If the board of supervisors determines that the
37 project is feasible and in the interest of the table grape acreage
38 owners of the county, the board of supervisors shall, by order
39 entered in its minutes, declare the district is duly organized under
40 the name designated in the petition for the formation of the ~~district,~~



1 ~~subject to a majority vote of table grape acreage owners in the~~
2 ~~district. *district.*~~

3 (b) The order shall describe the territory included in the district
4 and, if the board of supervisors does not exclude or include acreage
5 pursuant to Section 6047.78, it is a sufficient description of the
6 territory to describe the boundaries in substantially the same way
7 as they are described in the petition.

8 (c) A copy of the order certified by the clerk of the board of
9 supervisors shall be filed with the county ~~clerk and an election~~
10 ~~shall be held among the table grape acreage owners registered~~
11 ~~pursuant to Section 6047.68, as being in the district. *elections*~~
12 ~~*official.*~~

13 SEC. 9. Section 6047.77 of the Food and Agricultural Code
14 is amended to read:

15 6047.77. (a) Within 60 days of the filing of the supervisors’
16 declaration that the district is organized, an election among
17 registered table grape ~~acreage owners~~ *growers* shall be conducted.

18 (b) The county ~~clerk~~ *elections official* shall report the results of
19 the election to the board of supervisors.

20 (c) If a majority of the eligible votes supports the decision of
21 the board of supervisors to create a Table Grape Pierce’s Disease
22 Pest Abatement District, the ~~county clerk~~ *clerk of the board* shall
23 file the board of supervisors’ order and results of the election for
24 the record in the office of the county recorder.

25 SEC. 10. Section 6047.78 of the Food and Agricultural Code
26 is amended to read:

27 6047.78. (a) In determining the boundaries of the district, the
28 board of supervisors shall exclude from the district any table grape
29 acreage that it finds will not be benefited by the proposed project,
30 pursuant to the facts in Section 6047.74, and it may include in the
31 district any acreage that it finds will be benefited if it also finds it
32 will be in the interest of the district to include this acreage. The
33 inclusion may be upon application of the owner or, without the
34 owner’s application, upon giving the owner notice of the proposed
35 inclusion and an opportunity for a hearing on the inclusion.

36 (b) Notice of inclusion shall be mailed, postage prepaid, by the
37 clerk of the board of supervisors, to the address of the owner of the
38 acreage as shown by the last equalized county assessment roll, and
39 to any person that has filed with the clerk that person’s name and
40 address and description of acreage in which he or she has either a



1 legal or equitable interest. The notice shall describe the acreage
2 proposed to be included, and shall state the time and place at which
3 objections to the inclusion will be heard.

4 (c) Any owner of table grape acreage outside of the proposed
5 district may present to the board of supervisors a request in writing
6 for inclusion of the acreage in the proposed district.

7 SEC. 11. Section 6047.79 of the Food and Agricultural Code
8 is amended to read:

9 6047.79. Upon the filing of the order of organization ~~and~~
10 ~~results of an election of table grape acreage owners, the, the~~ board
11 of supervisors shall ~~immediately~~ appoint a board of directors of
12 five members to administer the affairs of the district.

13 SEC. 12. Section 6047.80 of the Food and Agricultural Code
14 is amended to read:

15 6047.80. Except as provided in Section 6047.124, to be
16 eligible to be a director of the district, a person shall be ~~an owner~~
17 ~~of either an owner of, or the designee of an owner of,~~ acreage
18 included in the district that are devoted, in whole or in part, to the
19 growing of table grapes.

20 SEC. 13. Section 6047.82 of the Food and Agricultural Code
21 is amended to read:

22 6047.82. (a) From and after the filing for record of the order
23 of the board of supervisors declaring the district organized, and
24 ~~certification from the county clerk that the vote of table grape~~
25 ~~acreage owners upheld the creation of the district, pursuant to~~
26 ~~Sections 6047.76 and 6047.77, and the appointment and~~
27 ~~certification from the county elections official of the appointment~~
28 and qualification of its first board of directors, the organization of
29 the district is complete. The district shall operate for a period of
30 five years from the date of its organization, and shall cease to exist
31 after five years unless the district is reauthorized the board of
32 supervisors.

33 (b) The board of directors shall hold a public hearing six
34 months prior to termination of its initial organization or last
35 reauthorization to determine whether the conditions of the
36 glassy-winged sharpshooter or Pierce’s disease or other ~~pests~~
37 ~~designated pests and diseases~~ warrant the reauthorization of the
38 district for an additional five years.

39 (c) The notice of hearing shall state the name of the district and
40 that consideration is being given to reauthorizing the district for an



1 additional five years, the boundaries of the district, and the time
2 and place for the hearing. Notice of the hearing shall be given as
3 provided in Sections 6047.71 and 6047.72. The board of directors
4 shall submit the record of the hearing and its recommendation to
5 the board of supervisors within 90 days of the hearing. The board
6 of supervisors shall approve or reject the recommendation. If it
7 rejects the recommendation, the board of supervisors shall return
8 the report accompanied by its reasons for the rejection to the board
9 of directors within 30 days of receipt. The board of directors may
10 thereafter address the reasons for rejection by the board of
11 supervisors and submit an amended report and new
12 recommendations for reauthorization for approval or rejection by
13 the board of supervisors, unless the district has ceased to exist
14 pursuant to subdivision (a).

15 (d) If the board of supervisors approves the continuation of the
16 district, the board shall, by an order entered in its minutes, declare
17 ~~the district duly extended subject to a majority vote of table grape~~
18 ~~acreage owners in the district. The vote of the table grape acreage~~
19 ~~owners shall be held pursuant to Section 6047.77. *the district duly*~~
20 ~~*extended.*~~

21 SEC. 14. Section 6047.87 of the Food and Agricultural Code
22 is amended to read:

23 6047.87. (a) The district may do all of the following:

24 (1) Sue and be sued in all actions and proceedings in all courts
25 and tribunals of competent jurisdiction.

26 (2) Adopt a seal and alter it at pleasure.

27 (3) Accept contributions, and by grant, purchase, gift, devise,
28 lease, or otherwise, and hold, use and enjoy, and lease, or otherwise
29 dispose of, real and personal property of every kind and
30 description within or without the district necessary to the full and
31 convenient exercise of its powers.

32 (4) Recommend an assessment to the board of supervisors to be
33 levied on the owners of acreage of table grapes being grown in the
34 district to pay obligations of the district incurred to accomplish the
35 purposes of the district as provided in this article, which may
36 involve funding all or a portion of a Pierce's disease or
37 glassy-winged sharpshooter control program, or program
38 involving other ~~pests~~ *designated pests and diseases*.

39 (5) Make contracts, and employ, except as otherwise provided
40 in this article, all persons, firms, and corporations necessary to



1 carry out the purposes and the powers of the district, and at any
2 salary, wage, or other compensation as the board of directors shall
3 determine.

4 (6) Respond to the effects of, the spread of glassy-winged
5 sharpshooter and Pierce's disease, and other ~~pests~~ *designated pests*
6 *and diseases*, and collect and disseminate to table grape ~~acreage~~
7 ~~owners~~ *growers and the owners of table grapes acreage* in the
8 district relevant information and scientific studies concerning
9 these pests or diseases, as well as to chart and determine the extent
10 and location of any infestations.

11 (7) Take all actions necessary to control, eradicate, remove, or
12 prevent the spread of the glassy-winged sharpshooter or Pierce's
13 disease, or other ~~pests~~ *designated pests and diseases* injurious to
14 table grapes.

15 (8) With reasonable advance notice in writing to the ~~owner of~~
16 ~~the acreage~~ *landowner*, as determined by the district, enter into or
17 upon any ~~acreage~~ *land* included within the boundaries of the
18 district for the purpose of inspecting the grape plants and any other
19 host plants and fruit growing on ~~this acreage~~ *these lands*.

20 (9) Eradicate, eliminate, remove, or destroy any table grape
21 plants having evidence of Pierce's disease or other ~~pests~~
22 *designated pests and diseases*.

23 (10) Coordinate with the County Agricultural Commissioner
24 as to the commissioner's taking appropriate actions to have any
25 table grape plants growing within the district infested with Pierce's
26 disease or other ~~pests~~ *designated pests and diseases* adjudged a
27 public nuisance, and decreed that the nuisance be abated.

28 (11) Coordinate district activities with other Table Grape
29 Pierce's Disease Pest Abatement Districts established pursuant to
30 this article and with the Pierce's Disease and Glassy-winged
31 Sharpshooter Board established pursuant to Section 6047.3.

32 (12) Perform any and all acts, either within or outside the
33 district, necessary or proper to fully and completely carry out the
34 purposes for which the district is organized.

35 (b) The district's administrative costs shall be limited to 5
36 percent of the annual assessment revenue.

37 SEC. 15. Section 6047.88 of the Food and Agricultural Code
38 is amended to read:

39 6047.88. Every district formed pursuant to this article has all
40 of the powers prescribed by Section 6047.87 and other provisions



1 of this article, regardless of any language in the petition for
2 formation for any district or in any of the proceedings leading to
3 the formation that would otherwise limit the power of the district.

4 SEC. 16. Section 6047.89 of the Food and Agricultural Code
5 is amended to read:

6 6047.89. The county agricultural commissioner of the county
7 in which the district is located shall, upon request of the board,
8 assist the district to the extent possible in all activities undertaken
9 by the district for the control of glassy-winged sharpshooter and
10 Pierce's disease or other ~~pests~~ *designated pests and diseases*.

11 SEC. 17. Section 6047.93 of the Food and Agricultural Code
12 is repealed.

13 SEC. 18. Section 6047.94 of the Food and Agricultural Code
14 is amended to read:

15 6047.94. ~~The county assessor, in making the annual~~
16 ~~assessment of property included in the district each and every year~~
17 ~~after the organization of the district,~~ *district* shall identify any
18 parcel of real property with ~~one acre or more~~ *more than one acre*
19 of table grape plants that shall be subject to assessments.

20 SEC. 19. Section 6047.96 of the Food and Agricultural Code
21 is amended to read:

22 6047.96. (a) After the district has been formed, an owner of
23 table grape acreage in the district may present to the board a
24 request in writing for the exclusion of that acreage or any part of
25 the acreage from the district upon a showing that the acreage or
26 part of the acreage will not be benefited by the activities of the
27 district. Factors that the board may consider in its determination
28 for exclusion, as set forth in an affidavit from the owner of the
29 acreage, shall include those specified in Section 6047.74.

30 (b) After receipt of the request, the board shall cause an
31 investigation of the parcel of acreage to be made and, if the board
32 determines that the acreage or part of the acreage will not be
33 benefited by the activities of the district, the board shall exclude
34 the table grape acreage from the district and immediately certify
35 this fact to the county assessor and the county auditor or tax
36 collector.

37 (c) Any owner of table grape acreage outside of, or otherwise
38 not included in, the district may present to the board a request in
39 writing for inclusion of the acreage in the district.



1 SEC. 20. Section 6047.97 of the Food and Agricultural Code
2 is amended to read:

3 6047.97. (a) The board shall, on or before the first Monday
4 in April of each year, or as soon thereafter as possible, file with the
5 board of supervisors a budget that sets forth all estimated
6 expenditures of the district for the fiscal year commencing on the
7 first day of July. A copy of the budget shall also, at the same time,
8 be filed with the auditor of the county.

9 (b) The board of supervisors may, by ordinance or by
10 resolution, adopted after notice and a hearing, determine and levy
11 an assessment for table grape pest and disease control activities or
12 other pests designated pests and diseases for any of the following
13 purposes:

14 (1) Responding to, managing, and controlling the effects of the
15 spread of glassy-winged sharpshooter and other ~~pests~~ *designated*
16 *pests and diseases* that attack table grape plants.

17 (2) Collecting and disseminating to table grape growers in the
18 district relevant information and scientific studies concerning the
19 pest or pests.

20 (3) Charting and determining the extent and location of any
21 Pierce's disease infestations and infestations of other ~~pests~~
22 *designated pests and diseases*.

23 (4) Reimbursing the county or counties in which the district is
24 located for expenses incurred in connection with providing
25 services under this article that are not otherwise reimbursed.

26 (c) (1) The annual assessment shall not exceed fifteen dollars
27 (\$15) per planted acre.

28 (2) *The maximum annual assessment shall be established in*
29 *accordance with the voting requirements of Article XIII (C) and*
30 *XIII (D) of the California Constitution, as incorporated by*
31 *Proposition 218 of 1996, as provided for in Section 6047.100.*

32 (3) *The board shall annually establish the assessment which*
33 *shall not exceed the maximum annual assessment specified in*
34 *paragraph (1), except as otherwise specified in this section.*

35 (d) An annual assessment greater than the amount provided for
36 in this section may not be charged unless a greater assessment is
37 approved by eligible owners ~~pursuant to subdivisions (a) and (b)~~
38 ~~of Section 6047.64.~~ *in accordance with the voting requirements of*
39 *Article XIII (C) and XIII (D) of the California Constitution, as*



1 *incorporated by Proposition 218 of 1996, as provided for in*
2 *Section 6047.100.*

3 (e) The board of supervisors shall cause to be prepared and filed
4 with the clerk of the board of supervisors a written report that
5 contains all of the following information:

6 (1) A description of each parcel of property proposed to be
7 subject to the assessment.

8 (2) The amount of the assessment of each parcel for the initial
9 fiscal year.

10 (3) The maximum amount of the assessment that may be levied
11 for each parcel during any fiscal year.

12 (4) The duration of the assessment.

13 (5) The basis of the assessment.

14 (6) The schedule of the assessment.

15 (7) A description specifying the requirements for written and
16 oral protests, and the protest threshold necessary for requiring
17 abandonment of the proposed assessment pursuant to subdivision
18 (f).

19 (f) Unless otherwise excluded, the assessment shall be levied
20 on each parcel within the boundaries of the district, zone, or area
21 of benefit.

22 (g) (1) ~~The legislative body~~ *board of supervisors* shall comply
23 with the notice protest, and hearing procedures in Section 53753
24 of the Government Code.

25 (2) In addition, the mailed notice shall include the name of the
26 district, the return address of the sender, the amount of the
27 assessment for the initial fiscal year, the maximum amount of the
28 assessment that may be levied during any fiscal year and the name
29 and telephone number of the person designated by the board of
30 supervisors to answer inquiries regarding the protest proceedings.

31 SEC. 21. Section 6047.101 of the Food and Agricultural Code
32 is amended to read:

33 6047.101. The revenue from the assessments imposed
34 pursuant to this article by the district are trust funds and shall be
35 encumbered only for the purposes for which the district is formed
36 and for the benefit of the acreage assessed. The district shall
37 expend the minimum amount necessary for overhead and other
38 administrative costs. No district funds shall be donated, loaned, or
39 transferred to any other local agency or to the state for any purpose,
40 except for the implementation of the duties of the district, set forth



1 under this article, as determined to be necessary by the district
2 board.

3 SEC. 22. Section 6047.105 of the Food and Agricultural Code
4 is amended to read:

5 6047.105. Acreage devoted exclusively to the growing of
6 table grapes within a tract of land outside the district, but in the
7 county in which the district is located, may be annexed to the
8 district in the same manner provided in this article for the
9 formation of the district.

10 SEC. 23. Section 6047.109 of the Food and Agricultural Code
11 is amended to read:

12 6047.109. If the board of supervisors determines that
13 consolidation is feasible and in the best interests of the table grape
14 acreage owners of the respective districts, it shall, by resolution
15 duly adopted, declare the districts consolidated into one district,
16 giving the consolidated district a name that includes the term
17 “consolidated.” Certified copies of the resolution shall be filed
18 with the Secretary of State and with the county recorder of each
19 county in which is located any part of the consolidated district.
20 Upon the filing, the districts are consolidated into a single
21 consolidated district with all the rights, privileges, and powers of
22 a district. The consolidated district shall succeed to all the funds
23 and other property, and is subject to all the indebtedness, bonded
24 and otherwise, of the districts consolidated. Each district that is
25 included in the consolidated district shall continue in existence for
26 the purpose of representation on the board of the consolidated
27 district, and for the purpose of levying, assessing, and collecting
28 assessments for district purposes. The board of the consolidated
29 district is, however, the board of each district that is included in the
30 consolidated district.

31 SEC. 24. Section 6047.112 of the Food and Agricultural Code
32 is amended to read:

33 6047.112. Any district that has been included in a
34 consolidated district may withdraw from the consolidated district
35 and be reconstituted as a separate district by filing with the board
36 of directors of the consolidated district a petition for withdrawal
37 that is signed by the owners of not less than a majority, by area, of
38 table grape acreage in the district. The board of directors of the
39 consolidated district shall send the original petition to the board of
40 supervisors of the county in which the withdrawing district is



1 located, and a copy of the petition to the board of supervisors of
2 each of the other counties in which is located any part of the
3 consolidated district. Upon receipt of a petition for withdrawal, the
4 board of supervisors of the county in which the withdrawing
5 district is located shall fix a time and place for hearing the petition.
6 Notice shall be given and the hearing conducted in the same
7 manner and with the same effect as prescribed for the formation
8 of a district pursuant to Sections 6047.70, 6047.71, 6047.72,
9 6047.73, and 6047.74. Upon withdrawal of a district, all moneys
10 collected from the district for the use of the consolidated district,
11 and all property purchased with these moneys, shall remain the
12 property of the consolidated district.

13 SEC. 25. Section 6047.113 of the Food and Agricultural Code
14 is amended to read:

15 6047.113. Upon the filing of a petition with the board of
16 supervisors that is signed by either (1) 50 percent or more of the
17 table grape acreage owners who own 65 percent or more of the
18 affected acreage or by (2) 65 percent or more of the table grape
19 acreage owners who own 50 percent or more of the affected
20 acreage requesting the dissolution of the district, the board of
21 supervisors shall set a time and place for hearing on the petition,
22 which shall not be less than 20 days, or more than 40 days, after
23 the filing of the petition.

24 SEC. 26. Section 6047.118 of the Food and Agricultural Code
25 is amended to read:

26 6047.118. If, at the hearing, a majority of the board does not
27 find a compelling reason to override the owners' petition to
28 dissolve the district, the board of supervisors shall by resolution
29 dissolve the district.

30 SEC. 27. Section 6047.124 of the Food and Agricultural Code
31 is amended to read:

32 6047.124. Owners of wine grapes and raisin grapes and any
33 other agricultural commodities may petition to become subject to
34 any district established pursuant to this article. The petition shall
35 adhere to all the requirements of this article and shall require the
36 approval of the board of directors of the affected district. All
37 provisions of this article are hereby incorporated in this section and
38 are applicable to owners who become subject to a district
39 established pursuant to this article as though set forth in full in this



1 section unless a provision in this article expressly states that it is
2 not applicable to this section.

3 SEC. 28. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety
5 within the meaning of Article IV of the Constitution and shall go
6 into immediate effect. The facts constituting the necessity are:

7 The spread of the glassy-winged sharpshooter and Pierce's
8 disease, and other ~~pests~~ *designated pests and diseases*, threatens
9 the economic viability of the table grape industry. Because the
10 immediate establishment of a pest control district is necessary to
11 avoid severe economic loss, it is necessary for this act to take effect
12 immediately.

